

30 May 1646

27

6.

A  
DEFENCE  
AND  
VINDICATION  
of the Right of  
TITHES,

Against sundry late scandalous  
Pamphlets :

SHEWING,

The lawfullnesse of them, and the just  
Remedy in Law for them, as well in  
London, as elsewhere.

M A L. 3.8.

*Will a man rob God? yet ye have robbed me: but ye say, Wherein have  
we robbed thee? in Tithes: and offerings.*

Penned by a Friend to the Church of England,  
and a lover of Truth and Peace.

L O N D O N,

Printed by George Miller, dwelling in the Black-Friers, 1646.





TO THE RIGHT HONOVABLE  
**THOMAS ADAMS,**  
Lord Major of the City of  
L O N D O N.

Right Honourable,

**I***s storied of Diogenes ( a wise Philosopher, though a sullen Cynick ) that when he was about to die, he desired his friends about him, to bury him after his death with his face downward; they thinking this request to proceed rather from his humour then from his wisdom, demanded of him the reason; he told them, That very shortly the world would be turned upside down, and then his face would lie upward: I need not apply this story, your Lordship is no stranger in this our Israel, and cannot but*

## The Epistle Dedicatory.

*observe this manner of Change, you now sitting at the Helm for the government of this goodly City, I had almost said Nation (for England is in London at this day.)*

*I will not speak of that lovely Gemini, Religion and Law, which in the judgement of \* Machiavell himself do rise and fall together: I will only call upon your Lordship with the Prophet, to come and behold the works of the Lord, what alterations he hath made in this great City of London; which I have sometimes known, as a City like Jerusalem, at unity within it self; not a convicted Recusant, nor a notorious Heretike or Schismatick to be found within the walls of that City. London, whose twelve Companies, like the twelve Tribes of Israel, were wont to go up by multitudes to the House of God, not in the sound of a Trumpet and Alarm of warre, but with the joifull voices of Peace and Praise, like those that kept holy day. London, whose Lord Majors sword was almost as formidable within that City, as the Scepter without. But is London so now? I will say no more, but weep out the rest for that City where I was born and bred, and where I have spent most of my daies; whose prosperity and wellfare I have ever sought, and shall daily pray for, in the sense of Ierome concerning Nineveh, that what sin had thrown down from the firmnesse*  
of

*\* Ubi Religio  
est ibi boni mo-  
res, & bona  
disciplina, &c.  
Sublata vera  
Religione, or-  
ruere Remr. ne-  
cesse est: Quia  
sublato timore  
Dei sequitur  
imicitias, & ex  
ea ruina impe-  
riorum, Mach.  
lib. 1. in Dec.  
Liv. c. 11.  
Hil. 42.*

*Quia peccatis  
pergit, statibus  
perit. Jer. E-  
pist ad Da-  
malum.*



## The Epistle Dedicatory.

of rocks, grace might re-establish in the softnesse of tears.

The subject of this ensuing discourse (being in the number of those things that are turned upside down) is no stranger to your Lordship (though the Authour be) and craves your patronage, which in justice you cannot tell how to deny, your Lordship being appointed by the Law of the Land the sole Chancellour and Iudge of Tithes in London (a felicity beyond all the Kingdom besides, where the Law is at this day somewhat loose and unsetled, but only in London.)

Fourteen yeers are not yet elapsed and gone, since it was a common Question among the Divines of England, not whether Tithes were due, but whether they were not due jure divino. Since it was accounted a most pious and religious worke, in divers of your Lordships predeceffours, to be appointed Trustees for the buying in of Impropriations of Tithes, and restoring them to the Church. Since consciencious men could not die peaceably in their beds, till they had made restitution of substracted Tithes. But now of late, a strange New-light hath appeared to a generation of men, displeased with old Truths; not such a light as appeared to the Wise-men leading them to Christ, and presenting him with their gold, frankincense and myrrhe, but such a kinde of light as appeared to the souldiers, by which they

## The Epistle Dedicatory.

Joh. 18. 3.

they took our Saviour in the night, and stript him of all he had: These men in their Petitions to your Lordship, confidently tell you (for they seldom speak modestly) that Tithes are Popish, yea lewish, and therefore to be abolished; the endowment of Churches by them, superstitious; the withholding of them, lawfull; and the payment of them, injurious. Whether will not this spirit of error (in the appearance of an Angel of light) at last lead them? nay, unto what height hath it not already carried them, when they can turn Beast into Best, and plead for a very Saul to be a true Paul?

My Lord, Fame hath reported you to be a Judge of the old Portraiture, To have an Eagles eye, by an exact and diligent search into the Cause before you; a Ladies hand in the transaction of Causes with much tenderness and compassion; and a Lions heart, to break the jaws of the wicked, and to pluck the prey out of their teeth.

God and the Law, by divers ancient and late Charters, which the Kings and Princes of this Nation, in their grace and favour have granted to the City of London (which they made and called their Chamber) have armed your Lordship with Power to do great things: if you exercise it with your Parts, no Garison either of schisme or sinne, can long hold out in this City.

## The Epistle Dedicatory.

*In this great accomplishment I need not prompt your Lordship what to do, I doubt not but you will make it your study, your care, your duty, to purge this City from that accursed and execrable sinne of Sacriledge, by causing the maws of such guilty persons (like the belly of Ionahs whale) to disgorge the lawfull patrimony of the Church; that the blessing of him that was ready to perish, may come upon you, and that you may cause the hearts of the poor Ministers of London to sing for joy; that your daies may be multiplied as the sand, and when they expire, that God may then make you to die in your nest, leaving a blessed memoriall behinde you.*

*It was the praise of Constantine the Great, to be called the Advocate of Gods Church, which he thought a greater glory to him, then to be Emperour of the whole world. And let it be a greater Honour to the great Lord Majer of London (for so hath his Office made him) to be accounted the Churches Advocate, in helping the Ministers of London to their just Patrimony, then to be Governour in Chief of that great City; which Honour, let it be the portion and inheritance of your Lordship, and of your vertuous Successours for ever; So prayeth he that maketh it his utmost ambition, to be to your Lordship and to that whole City, an*

*Avowed obliged servant,*

*Nouēqinos vīdē tēdē.*



Imprimatur

May the 9<sup>th</sup> 1646.

John Downname.





# A D E F E N C E O F T I T H E S.



HE common Law of *England*, the best Law for this Nation in the world (as might easily be proved, were it incident to the argument I have in hand) doth lay forth all it's interest and jurisdiction in the preservation and maintenance of three things, *The just priviledges and preeminences of the Crowne of England, The just rights of the Church of England, And the just rights and liberties of the people of England.* The first is called by the Register of Writs, *Privilegium Regis*, or *Jus Regium*. The second is called, *Jus Ecclesia*, or *Jus Ecclesiasticum*. The third is called, *Jus Populi*, or *Libertates Anglie*. These three make up the whole body of the common Law, a Law so peaceable for the keeping all these three in unity, that for this very cause it is, by the ancient Laws of this Realm, stiled by the name of Peace; *Pax Dei*, in reference to the rights of the Church, *Pax Regis*, in reference to the rights of the King, and *Pax Regni*, in reference to the rights of the

K. James  
Parl.  
Speech,  
1609.



## A Defence of Tithes.

people. I shall write only of the first, and but of some part of that neither, *viç.* concerning the endowments of the Church with Glebe and Tithes, by occasion of divers late scandalous Pamphlets, or rather Pasquils, calling them Jewish, Popish, Antichristian, &c. scarce fit to be named, lesse fit to be answered with any other answer, then that of *Seneca, Solo contemptu respondere.*

Prov. 9.

*He that reproveth a scorner, saith Solomon, getteth himself a blot,* which falleth out especially where a man is to deal with the Vulgar, more fitted to quarrell then to judge, and much apter to wrangle, then to resolve, whose discourses when you shall have rak'd into the very bottom, you shall finde more slanders of truth then objections against it, and scandals in stead of arguments. And to strive with such kinde of men, whose contention is more for victory, then for truth, the match is not equall; which hath made me often to pity the lot of many learned men in these days, who for their religious and painfull writings against *Se-ctaries*, have received no other rewards of their labours then those that meddle with wasps. And therefore I will at present answer all their erroneous papers concerning Tithes, *ostendendo veritatem*, by holding forth the truth to all that will see it, the light whereof, if it appear not to them, it is because their mindes are either darkned through ignorance, or obstinated with error, like those men who in a clear Sun-shine see no light, because they are either naturally blinde, or wilfully close their eyes. *Veritas* (saith the Philosopher) *est index sui & obliqui.* I shall therefore in this short discourse handle only two things.

1. That Tithes are justly and lawfully due to Ministers under the Gospel.

2. That those Ministers have a just remedy in Law to recover them in all places, and particularly in *London.*

For

For the opening and understanding of the first, it would not be impertinent to handle four things.

1. The originall of Tithes.
2. By whom, and to whom they ought to be paid.
3. Out of what things they are to be paid. And
4. By what right Tithes are due : wherein there is a great controversie and a large dispute between the School-men, the Canonists, the Civilians and Casuists, whether Tithes be due *jure Divino*, or *jure Canonico*, or *jure Imperatorio*, or *jure mixto*. But I intend a short discourse, and not a volume. All these things are handled at large in *Summa Rosella*, and *Summa Angelica*, in *Azorius*, *Navarra*, *Rebuffus*, *Linwood*, and others ; and therefore I shall passe them over, all of them agreeing in this, that Tithes are rightfully due to Church-men, and the detension of them is no lesse crime then sacriledge. I will only apply my self to shew by what right the endowment of Churches by Tithes and Glebe are due here in *England*, a Nation that exceeds any in the world for liberality and bounty to Clergy-men (which is an ancient and very proper name for Ministers of the Gospel ordained to that function, as I shall shew anon.)

For the clearing of which I shall lay down these grounds.

First, That in all ages of the world, as well in the time of the Gospel, as in the time of the Law, holy and devout men, not out of superstition or blinde zeal, but out of conscience and honour to Almighty God, whom they served, and in duty to him the supreme Lord of their earthly substance, as well as of their souls and bodies, have ever given and bestowed upon him and his service, as a free gift, some part and portion of their goods and possessions. And the first that in the book of God we finde to

## A Defence of Tithes.

have offered in this kinde, were two of the holiest men that ever trod upon Godsearth, *Abraham* and *Jacob*, the one the father of all the faithfull, the other of all the twelve Tribes of *Israel*, and that which they both pitch upon in their gifts, were Tithes: For *Abraham*, saith the Text, gave to *Melchisedech Priest of the high God* Tithes of all, Gen. 14. 20. and *Jacob* in his journey to *Haran* vowed a vow to God, that if he would be with him, and blesse him in that journey, *Of all that thou shalt give* (saied he, Gen. 28. 22.) *I will surely give the Tenth unto thee.* Whether these two Patriarks did this by instinct of nature (the very Heathen, according to *Pliny* in his *Nat. hist.* lib. 12. doing the like) or whether by a divine comparison they thought it not as fit a proportion to give to God a tenth of their goods, as a seventh of their time, or whether there being at that time no law written, nor Prophet to instruct them, they were not taught of God so to doe (with whom they had familiarity by his frequent apparitions to them) and as a proportion which he afterwards would require and command to be given to *Levi*, one of their children, and to his posterity, out of which he chose the Priesthood, I will not now dispute it. After this, they and their posterity built Altars and Tabernacles to God, and *Solomon* built him a sumptuous Temple, the glory of the world, and the infinite riches that were given to these in Cedars, Shittim wood, marble, brasse, iron, silver, gold, precious stones, &c. are invaluable. In the time of the Gospel, and at such time as the Church was in persecution; as in the times of the Apostles (all of them suffering martyrdom, saith *Dorotheus*, but *John* the Evangelist) the first Christians sold all their possessions, and gave the price of them to God, laying them down at the Apostles feet, *Act. 4.* And since the daies of persecution, when the

the Church of God had rest and peace, those most Christian Emperours *Constantine* and *Theodosius*, what by the Churches and Temples they built and dedicated to God, the large and liberal endowments of them with Glebe and Tithes, the honour and respect they gave to Church-men, the strict Lawes they made for the quiet enjoyment of those endowments, and against the alienation of them from the Church, have rendered them famous for piety and vertue to all posterity. And here in *England*, about an hundred years before, *Lucius* the first Christian King, and first anointed in the world, and divers more Kings of *England*, long before the daies of superstition (which I will not meddle with, abhorring superstition as much as any) followed the same patern, and the first words of their Charters and grants, began like that of *Magna Charta*, *Concessimus Deo & Ecclesie*.

Mig Chi  
ch. 1.

2. The second ground is this, That the Law of God penned by *Moses*, concerning the payment of Tithes to the Levites, from whom were the Priesthood, as to the letter of that Law, as it refers to a precise tenth part of the fruits of the earth, neither more nor lesse, and the manner of the payment of it, in relation to the sacrifices of the old Law, is meerly Ceremoniell, and abrogated by Christ, who being a living Sacrifice, put an end to these dead ones under *Moses*; but as to the equity of Tithes, that a competent portion (I do not say, *quota pars*, a just tenth, but *quantia pars*, a fit maintenance) should out of the fruits of the earth be allowed for the livelihood and support of the Evangelicall Priesthood under Christ, which came in lieu of the Leviticall Priesthood under *Moses*, it is morall and lasts to this day. This I prove by the Law it self, *Numb. 18.21. Behold, I have given the children of Levi all the tenth in Israel for an inheritance, for their service which they*

*Serve, even the service of the Tabernacle of the Congregation.*

This was the reason of that Law, now that kinde of Priesthood being changed, and a better come in the room, and such who serve at a better Tabernacle, and at a better Altar, being Christ himself (for so he is called, *Heb. 13. 10.*) and who offers a better Sacrifice to God then the Levitical Priesthood, even a Sacrifice of praise to God continually, as the same Apostle speaks, *Heb. 13. 15.* It is great reason that these, performing the same service in substance, should partake of the same, or like wages. This is the very Argument of the Apostle Paul, *Do not you know* (saith he) *that they which minister about holy things, live of the things of the Temple, and they which wait at the Altar are partakers of the Altar? even so hath the Lord ordained, that those which preach the Gospel, should live of the Gospel.* This will better appear by comparing the Law of Tithes with other things under the Law, which are now abrogated by the Gospel as to the Ceremony, but as to the substance and morality remain to this day. I will, in stead of many, give but two or three instances.

1 Cor. 9.

13, 14.

1. The Law of the Sabbath by the fourth Commandment, tied men to the observation of a seventh day, which seventh day the Jews observed from the first day of the Creation; this, as to that day, is now as much abrogated as the payment of Tithes to the Levites; there is no precept in all the new Testament for altering of that day to the first day of the week, but only the constant custome of the Church, ever since the time of Christ. Is therefore the morality of the Sabbath gone? God forbid. Here might I take occasion to commend the Church of *England* above any reformed Church in the world, for the holy observation of this day; but I will not digresse. And therefore, I say, as the morality of the Sabbath still continues, as to  
give



give God one day in seven for his worship, so, I say, the morality of the Law of Tithes, as to a fit maintenance for Gods Ministers that attend the worship, continues to this day in *England*, and I hope ever will.

2. The Law of Circumcision, as to the cutting off of the fore-skin of the flesh in Infants, is meerly Ceremonial; but yet the morality of it, as to baptizing of Infants, still continues, and yet there is no precept in the Gospel for baptizing of Infants.

3. The like instance is in the Paschall Lamb, abrogated as to that Ceremony, but still continues, as to the celebration of the Lords Supper, which comes in the room thereof; from both which may be concluded strong inferences of reason for the continuance of Tithes in that sense I have expressed of them.

3. The third ground is this, that this way of maintenance of Church-men by Tithes, is the most ancient, and the most just way that can be named.

1. For the first, it is as old as *Melchisedech* Priest to the Ancient of daies, and from the time of the Law; and all the time of Christianity, it hath continued a constant Church-maintenance thorowout Christendome, till the Reformation of Religion in the daies of *Luther* and *Calvin*. In those places of reformed Religion, where the Reformation was orderly, which are farre the greater number, that kinde of maintenance continues to this day. But where it was done by popular tumult and power of the Sword, that kinde of maintenance was taken away, and with it the very Churches themselves, and the most part of their revenues.

2. Secondly, It is most just. There were three principle reasons why Tithes were to be paid to the Levites of the Law. The first, in respect of their persons. The second,

in

in regard of their work. And the third, in regard of their wages.

1. For the first, The Law is given in *Numb. 18. 20.* and *Deut. 10. 9.* that *Levi* was not to have any inheritance in the Land, like the other Tribes, for that God was his part and inheritance, and they were his, and that they should wholly depend upon him, not upon the gifts of men; which he shewed, in that he gave them their maintenance by the encrease of the fruits of the earth, being an act of his immediate providence, all the men in the world being not able to make the smallest herb of the field to grow. And is not this the case of *Levi* under the Gospel? Are not the Ministers under the Gospel truly, and properly, and very anciently called, *Clerus Domini*, the Lords portion or inheritance, for these two reasons? First, As the *Levites* were separated from the rest of the Tribes for the Lords Sanctuary: So are Ministers under the Gospel separated from all the people by Ordination from God in imposition of hands. The Text for this is very plain, *Act. 13. 1, 2, 3.* For when at the Church of *Antioch* certain Prophets and teachers were met; amongst whom was *Barnabas* and *Saul* (afterward called *Paul*) As these ministered to the Lord and fasted, the holy Ghost said, Separate me *Barnabas* and *Saul* for the work whereunto I have called them, &c. Here is the proper sense of the word *κληρος*, Gods lot or inheritance, in that they are separated by the holy Ghost to God, and to his service.

2. As the Tithes which the *Levites* received out of the fruits of the earth were called Gods portion: so are the Tithes paid to Church-men under the Gospel, frequently called Gods portion, or *patrimonium Ecclesie*.

2. The second reason why Tithes were paid to the *Levites*, was for their work and continuall attendance at his Altar,

Altar, for they were either praying or sacrificing, or preparing for the sacrifice all the day long, and therefore they were not to be troubled with plowing and sowing, and other labours that should hinder them from the Sanctuary. And doth not the same reason hold for Ministers under the Gospel? are they not in the work of the Ministry, to be instant in season and out of season. The ancient Fathers in the Primitive times (I will not say it is so now) were either praying or preaching, or writing, or studying, all the dayes of their lives, and medled not with secular busineses; And this is the reason why by the Statute of 21 Hen. 8. chap. 13. Ministers are not to take Lands to farm, under the pain of ten Pounds a Moneth, that they might not be distracted in their Ministeriall function, in preaching and teaching Gods Word, as it is exprest in that Statute: and this is the cause why the maintenance by Tithes was provided for them, as having the least distraction in it. A man may take Tithes (as the English proverb is, in his shirt) The meaning is, there is no plowing, nor sowing, nor mowing in the gathering up of Tithes: nor any such toylsome labour, as to wear out his old cloaths, nor at such a time of the year, as to put him to the charge to buy new.

3. The third reason is in respect of their wages, as their persons were to be holy, so their wages were to be just. The hire of a whore, and the price of a dog, was not to be brought into the house of the Lord, *Deut. 23*. If the payments had been made to them, or to Ministers now, in summes of money, they might have been the wages of bribery, extortion and oppression: But their wages were to arise out of the innocent and harmles fruits of the earth, whose naturall productions are not guilty of any manner of bribery or corruption.

## A Defence of Tithes.

4. My fourth and last ground is this; Admitting there were no Law of nature to warrant that duty, of giving part of our goods and possessions to God and his Church, nor no ground in Scripture to warrant that Law, yet when such things are by solempne and deliberate Acts of men, and sometimes by instruments under their hands and seals given to God, they remain the proper possession of God to the worlds end, and cannot be alienated, nor taken away from that pious use to which they were given; if they be, God accounts it as a robbery done to him. When things are given to God and his service, the property of those things are in God, and so he accounts of them: When *Solomon* built him a Temple, and dedicated it to his worship, God-calls it his; *My house*, saith he, *shall be called the house of prayer*. And as God thus accounts of the things given to him, so was it the intent and meaning of all those that honoured him with these gifts to invest him with the whole property and interest of them: In which respect the stile of ancient Graunts and Charters runne according to that of *Mag. Charta*. cap. 1. *We have given to God, for us and our heirs, &c. We know* saith Charles the great, *that the goods of the Church, are the sacred indowments of God. To the Lord our God we offer and dedicate whatsoever we deliver to his Church: And the taking away of such things from the use they were given, hath been in all ages, and by all Lawes accounted Sacriledge.*

And so was the Law of Nations, as appears by that Law of the 12. Tables, *Sacrum sacrove cœmmendatum qui dimiserit rapseritve paricida cito*: He that shall take away any sacred thing, or that is given to a sacred use, let him be accounted a Parricide; And we know that *Ananias* and *Saphirah* were for this cause smitten with death, and the

the reason was given, because that after they had given the ownership to God, the price of their Lands was not their own. And who ever shall but read the solemn execrations, used in those ancient Charters of Church-endowments, against those that shall alienate them to other uses: a man would wonder, how any man durst presume to fetch but a stick from that Altar to kindle his own fire, lest it should utterly waste and consume his habitation for ever.

We may observe by daily experience, in the ordinary cases of Charitable uses, upon the Statute of 43 *Eliz. cap.*

4. When Lands or goods are given by men for the mending of a High-way, or the repairing of a Bridge, if the Trustees for this charitable use, shall turn this gift to their own private profit, it is in Law a misemployment, contrary to the intention of the donour, for which they forfeit their trust, and other men shall by the Commissioners be put in their rooms, and their estates shall be answerable for that misemployment: Nay if they bestow this gift upon a more pious use, as the repair of a Church, the maintenance of a Preacher, &c. yet this is a misemployment, because it was not according to the minde of the donour, whose intention is in this case of such esteem in Law, that all Decrees made by Commissioners upon that Statute, if they be against the apparant intention of the donour are void, whose intention is so respected in Law, that rather then it shall not be performed, the fundamentall rules of Law shall not be observed: as to give one example in stead of many. By the rule of Law, Copyhold Land cannot be aliend but by surrender, but yet if a man devise Land, not formerly surrendered to a charitable use, yet this is good, and shall be construed an appointment to a Charitable use within the Statute of 41 *Eliz.* though

15 *Jac.*  
*Rivers*  
*Cafe in*  
*Cane.*



## A Defence of Tithes.

by the rules of Law it could not passe without surrender. How much more is the Law of *England* carefull to preserve the endowments of the Church, given to the highest uses, wherein the founders are so carefull to preserve them in the continuance of those uses, that you shall commonly finde in the end of their Charters of grant, words to this effect; *If any shall take away, or apply to any other use, that which I have here given, let him be Anathema, and let his account be without mercy at the dreadfull day of judgement, when he shall receive his doom from the Judge of Heaven and earth, to whom I dedicate the same.*

And thus have I done with my Grounds, in all which, as likewise throughout my whole discourse, I desire to be only understood concerning Tithes and Glebe, being the only subject matter of this Treatise, and the only things now opposed by those Pamphlets.

These four grounds being laid, it will now be no difficult matter to prove the first head I laid down, *viz.*

That Tythes are justly and lawfully due to Ministers under the Gospel.

First, They are due to them by the Law of the Gospel, that Law which the Apostle *Paul* calls the Ordinance of God, in these words, *1 Cor. 9. 14. Even so hath the Lord ordeigned, that those which preach the Gospel should live of the Gospel:* The reason of this Law is rendred in the verse next before, *Do ye not know (saith he) that those which minister about holy things, live of the things of the Temple, and they which wait at the Altar, are partakers with the Altar; Even so hath the Lord ordeigned, that those which preach the Gospel should live of the Gospel.* So that the Law of *Moses*, and the Law of the Gospel agree both in this, that the Ministers of the Gospel are to have as due to them, a proportionable maintenance with the Levites and Priests under

der the Law: The Levites that ministred about holy things, they were to have of the Tithes belonging to the Temple, but were no offering of the Altar: The Priests that attended at the Altar, were to have as their due from the people ( for so is the Law, *Deut. 18.3.* ) of every sacrifice offered on the Altar, *whether Oxe or Sheep, the shoulder, the two cheeks and the maw*; even so the Ministers of the Gospel, are to have from the people, as their due, not as an alms, the Gospel maintenance, that is, those endowments of the Church, being for the most part Tithes and Glebe given by Christians to God and his Church, for the propagation of the Gospel: And the equity and justice of this Law, the same Apostle confirms by many more reasons, in the six next precedent verses. First, From the Law of Warre, *Who goeth to warfare*, saith he, *at his own charge*? Secondly, From the Law of nature, *Who feedeth a flock*, saith he, *and eateth not of the milke*? *Who planteth a vineyard and eateth not of the fruit*? Thirdly, From the Law of God, *ver. 8, 9. Say I these things as a man*, saith not the Law the same also? For it is written in the Law of Moses, *Thou shalt not muzzle the mouth of the Oxe that treadeth out the corne*. And from all these infers this conclusion, *ver.*

II. *If we have sown unto you spirituall things, is it a great thing that we shall reap your carnall things*? The later end of these words of the Apostle, *Those that preach the Gospel, shall live of the Gospel*, are in the Originall, *in to every* *ver. 12*, and have this sence in the judgement of very learned Interpreters, *viz.* Those that preach the Gospel, shall live of the gift or reward of the Gospel; for which they give two reasons: First, These words are an *analogie* to a *apostolus* next before, and have this sence, that as those which wait at the Altar, shall partake of the gift of the Altar, so they that preach the glad tydings of the

## A Defence of Tithes.

Gospel, shall live of the gift or reward due for those glad tydings. Secondly, The true and proper signification of the word *ευαγγέλιον* will bear it, for though in the New Testament it commonly signifies glad tydings, yet in many other Greek Authours, it signifies a gift or reward for good tydings. That text of the 2 *Sam.* 4. 10. as it is rendered in Greek by the Septuagint, leaves no place for contradiction; where King *David* speaks thus to *Rechab* and *Baanah*, who brought *Ishbosheth's* head unto him; *When one told me (saith he) Behold Saul is dead (thinking to bring me good tydings) I took hold of him and slew him in Ziklag, who thought I would have given him a reward for his tydings,* for these words (*I would have given him a reward for his tydings*), the Greek is *ὡς εἰ μὴ δόται τοῦ ευαγγελίου*, *cui oportuit me dedisse euangelium*: The vulgar latine renders it, *mercedem pro nuntio*: The Chaldee Paraphrast, *Donum boni nuntij*; the reward of good tydings: Many more Authours might be quoted, where that word *ευαγγέλιον*, or glad tydings, is taken for a gift or reward of them, which for brevities sake I shall omit.

Secondly, Tithes are due by the Law of Reason, from which law the Imperiall lawes which are very severe in the enjoyning the payment of Tithes, derive their principles: to which law of Reason most Nations in the world, Pagan as well as Christian, have consented in the payment of Tithes, to men employed about the administration of holy things: Especially Christian Nations, as might abundantly be shewed. It is true, that within this last hundred years, some few Reformed Churches have taken away from the Clergy their ancient endowments of Tithes and Glebe, to their own use, and have allowed them in lieu thereof, certain yearly stipends not answerable to the huge fleeces they took from them,

them, as may appear in divers Countrey dorpes or villages in *Germany*, the *Palatinate* and else where, by which means the Ministers in those places are become very ignorant and poor, and that ignorance occasioned by their poverty in wanting money to buy them books, and their preaching as well as their persons despised (A contemptible maintenance making a contemptible Ministry) This calamity learned *Gualter* saw and lamented in his time, complaining that not onely Papists, but such, *Qui Religionis sectatores videri volunt, tamen opes ecclesiasticas, sacrilega manu ad se rapiunt*: even such (saith he) as would seem to be professors of true Reformed Religion, yet do with sacrilegious hands take the Church-goods to themselves. Whence he foretells, that it will come to passe, *ut Schola frigeant doctissimi quique, dilabuntur*: That the Schools will every where be neglected, and learned men utterly decay: Whereas here in *England*, by means of better maintenance of the Church, allowed to Ministers as their own, and not dependant on the people, (agreeing to that law of reason I spake of) their persons are more esteemed and loved, their preaching more learned, laborious and effectually, and the Word of God more graciously and fruitfully received then in any Nation in the World.

Thirdly, Tithes are due by the Positive Laws of the Land, and have been due to Church-men ever since Christianity was planted in *England*.

These positive Laws derive as much from the Law of Reason as any Laws in the world, insomuch that it is a maxime in the Law concerning Tythes, that they are due of Common Right, *de Communi Jure*, and that therefore a prescription *de non decimando*, to pay no manner of Tithes, is against Common Right or Common Reason, and therefore void. This Law concerning Tithes, is like-

wife

wise established and confirmed by many Acts of Parliament, of which I will only name six: The Statute of 13 Ed.1. called *Circumspecte agatis*; The Statute of 9 Ed.2. called *Articuli Cleri*: The Statute of 27 Hen.8.c.20. 32 Hen.8.c.7. 2 Ed.6.c.13. and the Statute of 37 Hen.8.c.12. for Tithes in London.

Having thus proved the Right of Tithes, I come now to the second head, being the Remedy at Law for the recovery of these Tithes when they are detained.

2 Head

Remedy and Right do usually go together at Common Law: That Right which is in Law called Remediesse is very rare, and happens only in such cases whereof there hath been no precedent seisen or possession, which falls not out in the case of Tithes, of which there hath been a constant seisen and possession in the Church of England: But the remedy for Tithes were anciently in the Kings temporall Courts, *Mic. 7 Ed.1. rot. 21. Linwood de Fore competenti. 71. Co. 2. Instit. fol. 489, &c. 18 Ed.3. c.7.* (as it was by the Imperiall Laws in the Civil Courts of Emperours) sometimes in the Sheriffs Turne; sometimes by *scire facias* in the Chancery: And the Right of Tithes were likewise tried in the Kings temporall Courts, as by the ancient Writts of *De recto de Advocacione decimarum*, and the Writt of *Inducavit* may appear: The first Statutes that annexed Tithes to the Ecclesiasticall Courts (agreeing therein with the Common Law) are the Statutes of *West. 2. cap 5.* and *Circumspecte agatis*, made both in one year, viz. 13 Ed.1. The next Statute is 9 Ed.2. called *Articuli Cleri*: but because the remedy in the Ecclesiasticall Courts, went no further then spirituall censures, the highest whereof is Excommunication, numbers of persons cared not to hazard their souls so they might save their Tithes. And to this purpose

is



is the expreffion of the Act of Parliament of 27 Hen.8. cap.20. *That whereas numbers of evil disposed persons, having no respect of their duty to Almighty God, but against right and good conscience, did withhold their Tithes due to God and holy Church, as is in that Statute more at large expressed: By which Statute it is provided, that if any person refuse to obey the Processe of the Ecclesiasticall Court for the payment of Tithes, that then upon complaint or information of the Ordinary, to any of the Lords of the Councel, or by two Justices of Peace, whereof one to be of the Quorum in the County where such offender dwelleth, that then the said Lord of the Councel and two Justices, shall commit such offender to prison, without bayl or mainprife, untill he shall put in surety by Recognizance to such Councellour and Justices of Peace, to obey the Processe of the Ecclesiasticall Court.*

The like remedy is given by the Statute of 32 Hen.8. cap.7. for a lay person Farmor of Tithes, by two Justices of Peace, after definitive sentence in the Ecclesiasticall Court, for the recovery of the Tithes withheld and subtracted against any person refusing to obey the said sentence.

The Statute of 2 Ed.6. cap.13. decides the suit for Tithes, to be partly in the spirituall Court, partly in the temporall Court of the King; for personall Tithes, as *Wool, Lamb, Flax, Hemp, Apples, &c.* the suit is only in the Ecclesiasticall Court; but for prediall Tithes, as *Corn, Grain, Hay, &c.* the suit may be either in the Kings temporall Court by action of debt for the recovery of the treble value, or in the Ecclesiasticall Court for the double value.

And this was the Law for the recovery of all Tithes whatsoever in the Kingdom of *England*, till the Statute

## A Defence of Tithes.

of 27 Hen. 8. cap. 21. 37 Hen. 8. cap. 12. did alter the course of Law for Tithes of the houses in *London*, which I come now to speak of.

11 Rep.  
D Grants  
Case.

To speak properly: No Tithes are to be paid out of houses; for Tithes, by the Law, are out of things that increase, not out of things that diminish; out of things that grow, not out of things that decay: But because Houses are built upon Lands, out of which Tithes issued, compositions were made by the owners of such houses with the Incumbent, for a yearly rent or summe to be paid to him, in lieu of Tithes for the ground on which they were built; this composition was called, a *modus decimandi*, for which they sued in *London*, before the Statutes of 27 Hen. 8. cap. 21. and 37 Hen. 8. cap. 12. in the Ecclesiasticall Court, as they did in other Cities and Burroughs thorowout *England*, but these two Statutes made an alteration of the Law, and that the suit of Tithes should be before the Lord Major of *London*, & in his default, before the Lord Chancellour or Keeper of *England*; which is the reason why the Statutes of 27 Hen. 8. cap. 20. 32 Hen. 8. cap. 7. and 2 Ed. 6. cap. 13. do make speciall provisoes and exceptions of the City and Inhabitants of *London*, concerning their payment of Tithes.

It appears by the Statute of 27 Hen. 8. cap. 21. that there was much contention and strife in the City of *London* and liberties of the same, between the Ministers and Citizens of *London*, concerning the payment of Tithes, oblations and other duties within the said City; for the appeasing whereof, a certain Order and decree was thereof made, by *Tho. Cranmer* Arch-bishop of *Canterbury*, and *Tho. Lord Audley*, Lord Chancellour of *England*, who made their Order and decree thereof about the Feast of *Easter*, *Anno Dom.* 1535. which was confirmed by the

Letters

Letters Patents of King *Hen.8.* and his Proclamation thereupon: Afterwards at the Parliament on the fourth of *February*, 27 *Hen.8.* it was then enacted; That the Citizens and Inhabitants of the same City, should from *Easter* next following, pay their Tithes to the Curates of the said City and suburbs, according to the said decree, untill such time as any other Order or Law should be made and confirmed by the Kings Highnesse, &c. and that every person denying to pay his Tithes, according to the said decree, should by the commandment of the Lord Major for the time being, be committed to prison, there to remain, untill such time as he should have agreed with the Curate for the said Tithes; as by the said Statute already printed in the old Statutes at large may more appear: According to which Order and decree, the Citizens and Inhabitants of *London*, duely and orderly payed their Tithes to their severall Curates, for the space of ten years together, untill the 37<sup>th</sup> year of *Hen.8.* at which time divers variances and contentions did newly arise between the Ministers and Curates of the said City, and the Citizens and Inhabitants of *London*, touching the payment of the said Tithes, oblations and other duties; which strife did grow, not from any unjustnesse in that Order and Decree, but because certain words and termes specified in the said Order and Decree were darke and obscure, and not fully and plainly set forth, as by the Statute of 37 *Hen.8. cap. 12.* may appear: Whereupon, as well the Pastours, Vicars and Curates of *London*, as likewise the Citizens and Inhabitants of the same, did voluntarily of their own accord, and meerly for the appeasing of the said strife then newly grown, submit themselves, to stand to such Order and Decree upon compromise, touching the pai-

# A Defence of Tithes.

ment of Tithes, oblations and other duties within the said City and liberties of *London*, as persons whom they had mutually chosen for the appeasing of the said strife (being the greatest Lords and Officers of Justice then in the Kingdom) should make and ordain; viz. *Tho. Cranmer* Archbishop of *Canterbury*, the Lord *Wryothly*, Lord Chancellour of *England*, *Thomas* Duke of *Norfolke*, Lord Treasurer of *England*, Sir *William Pawlet*, Lord *St John*, President of the Councell, *John* Lord *Russell*, Lord Privy Seal, *Edward* Earl of *Hertford*, Lord great Chamberlain of *England*, *John* Vicount *Lisle*, high Admirall of *England*, *Sr Richard Lister*, Chief Justice of *England*, *Sr Edward Mountague*, Chief Justice of the Common Bench, and *Sr Roger Cholmely*, Chief Justice of the Eschequer; by which Statute it was enacted, that what Order should be made, or decreed and concluded by the said Archbishop, Lords and Knights, or any six of them, before the sixth of *March* then next following, concerning the payment of Tithes, oblations and other duties within the said City and liberties of the same, and enrolled in the Kings high Court of Chancery of Record, should be as an Act of Parliament, and should binde all Citizens and Inhabitants of *London*, and all Vicars, Parsons and Curates of the said City, and their successors for ever: And that every person denying to pay Tithes or other duties, contrary to the said Decree so to be made and enrolled, should by the commandment of the Lord Major of *London*, and in his default, by the Lord Chancellour of *England*, be committed to prison, there to remain, till such time as he or they should have agreed with the Curate or Curates for his or their Tithes, as by the said Statute may more appear, eight of which ten persons made their Decree accordingly, the 24. day of

*February,*

*February*, in the year 1545. (*Thomas Duke of Norfolk*, and *S<sup>r</sup> Edward Mountague* were only left out) which Decree I affirme to be enrolled in the Court of Chancery, and a true Copy of that enrolled Decree, is at this day printed with the Statute of 37 *Hen.8.* And I make no doubt, but the City of *London* hath likewise an exemplification of that enrolled Decree under the broad Seal: And though *Mr John Claydon*, by *Mr Norburies* direction, searching in the Chappel of the Rolls could not finde it, doth it follow therefore, that an other Clerke cannot finde it? Or if it cannot at this day be found, doth it follow in the negative, that never any such Decree was enrolled? How many printed Statutes have we at this day, by which the Judges of the Realm do adjudge cases in Law, of which the originall Records cannot at this day be found? and the like hath been of this printed Decree for these hundred years, without reference to the Record in Chancery.

But admitting there was never at all any such enrolled Decree, will it therefore follow, or will any Lawyer affirm, that then there is no remedy for Tythes in *London*? doth not the former Decree of Archbishop *Cranmer*, and the Lord Chancellour *Audley* then take place? For that Decree is not repealed by the Statute of 37 *Hen.8.* by any words in that Law, but was to continue in force, till the Decree upon arbitrement and compromise was made; if this later was never made, then that former Decree continues still; and if that former Decree was extinct and gone, to which the Provisoos in the Statutes of 27 *Hen.8.* and 32 *Hen.8.* do only refer, then Tithes in *London*, are due and paiaable as formerly by the Ecclesiasticall Law, so that *quacunq; via data*, there is a ready and certain remedy for the recovery of the Tithes of Houses in *London*: So weak



*A Defence of Tithes.*

and feeble are those weapons which are lifted up against the force & strength of truth, which I hope I have clearly layed open in the point of Tithes, both for the Right and for the Remedy, even to the Pamphleters themselves, unless they will *cacutire ante solem*, as the Proverb is. And therefore they begin to shift their weapons, and in stead of arguments against the Statute of 37 Hen.8. and the Decree of Tithes upon it, they slander down-right that very Parliament of 37 Hen.8. I abhor to do them the least wrong, and therefore I will quote the very words of one of their champion Pamphlets, like another *Goliath of Gath*, called *The Inditement of Tithes*. By the many scandals and errours but of one passage in that book, you may easily judge what to thinke of the truth of all the rest contained in that Pamphlet. The words to the Lord Major, among other reasons and grounds against Tithes, are these; *May it please your Lordship to take into consideration, what an over-ruling hand King Henry the eighth and his Privy Councel did bear over the Parliament at that time, which as it appeareth in other things, so especially in this of Tithes, in Anno 37 of his reign, prevailing so far, as to induce that Parliament to delegate their power in a matter of so great concernment to the then Archbishop and other Lords and Knights, Enactting that whatsoever they should decree therein, should binde all the Citizens for ever: an unheard of strain of Parliament, to confirm (with reverence we speak it) they know not what, and which to this day hath had no other confirmation: In which Decree, we pray your Lordship to observe the ignorance and superstition of that age, that followed the steps of their erroneous predecessors, both in Episcopacy and Tithes, without comparing them to the word of God; also the unquall dealing of those entrusted, providing that great mens dwelling houses should be free from Tithes; whereby it*  
*may*

may appear, this Decree or Law for Tithes (if it deserve to be so called) is not so valid or reasonable as it is generally conceived, and however ought not to be pleaded or stand in force, against the word and minde of God.

In which words you may observe these scandals and untruths : First, Where the Lord Major is desired to consider, *what an over-ruling hand King Henry the eighth and his Privy Council did bear over the Parliament at that time, which as it appeareth in other things, so especially in this of Tithes, in Anno 37 of his reigne, &c.* There are no lesse then these three scandals. First, of the person of King Henry the eighth, who did nothing in this businesse of Tithes, but as a tender father to the Citizens of London, who loved him and he them, not as an overbearing Prince ; for it appears plainly by that Statute, that it was an Act of grace in him ; the words are these, *To the intent to have a full peace and perfect end between the said parties, their heirs and successours touching the said Tithes, oblations and other duties for ever ; Be it Enacted, &c.* Secondly, of his actions, making him in this matter of Tithes, and in other things to be unjust, not naming the things, which in that those things not named, are referred to the businesse of Tithes, wherein he did no wrong, it increases the slander. Thirdly, of his Privy Council, who as appeareth plainly by the Act, were only used as referees and arbitratours chosen by the Pastours, Vicars, Curates, and Citizens of London, for the ending of the strife amongst them concerning Tithes, and made their Decree accordingly.

Secondly, Where it is said by the Inditour, that King Henry the eighth and his Privy Council, prevailed so far as to induce that Parliament to delegate their power in a matter of great concernment, to the then Archbishop and other Lords.

I.

2.

*Lords and Knights, Enacting, that whatsoever they should decree therein, should binde all the Citizens for ever; an unheard of strain of Parliament, to confirm (with reverence we speak it) they knew not what, and which to this day hath had no other confirmation.* In which words these scandals and untruths are to be observed.

1.

First, There is a grosse scandall upon that Parliament, and upon all Parliaments in generall, as to charge them with a delegation of their power to a few, a thing against the Honour and dignity of a Parliament, to transfer that High power with which the Law hath intrusted them to a few, as may appear by the Parliament Roll of 1 Hen. 4. c. 70. which very thing by the printed Statute of 1 Hen. 4. cap. 3. chiefly occasioned the repeal of the whole Parliament of 21 Ric. 2. And what a strange unlimited power that Parliament committed to a few persons, may more particularly appear by the Statute of 21 R. 2. cap. 16. in the old printed Statutes at large, to which I wholly remit the Reader.

2.

Secondly, It is not only a scandall, but a notorious untruth, to charge that Parliament that they Enacted and confirmed they knew not what. For

First it appears plainly by that Statute, that the matter was only concerning Tithes, oblations and other duties within the City and suburbs of *London*.

Secondly, the Names of those Lords and Knights, to whom the differences concerning those things were referred, are particularly mentioned in that Statute, and their persons particularly known to that Parliament.

Thirdly it appears by that Statute, That the Ministers and Citizens of *London*, did voluntarily submit themselves, and the differences between them concerning Tithes, &c. to the decree and arbitrament of those persons.

Fourthly

Fourthly, that those Arbitratours are limited and tied up to a former Order of the Lord Chancellour *Audley*, and the Statute of 27 *Hen. 8.* upon it, concerning the Tithes of *London*, for it appears plainly in the Statute of 37 *Hen. 8.* that the differences about Tithes, did not arise from any matter touching the substance of that former Order, but from certain ambiguous words, and obscure termes in it not plainly set forth, whereby it is evident and cleer, that that Parliament did particularly know what it did, but the Inditour did not, when he laid so foul and false a charge upon that Parliament.

Thirdly, where the Lord Major is desired to observe in the Decree, *The ignorance and superstition of that age, that followed the steps of their erroneous predecessors, both in Episcopacy and Tithes, without comparing them with the word of God*: Therein there is a double slander;

First, of that whole age, that in the businesse of Tithes did nothing according to the word of God: whenas it appears plainly by the Statute of 27 *Hen. 8. c. 20.* That that Parliament, being the best representation of that age, did compare Tithes with the word of God, and the non-payment of them, to be first, a detestable enormity, secondly, against right and a good conscience, thirdly, against mens duty to Almighty God, as may more appear by that Statute.

Secondly, it is a particular slander of the then Archbishop of *Canterbury* (for there was no other Bishop mentioned in that Decree,) as if he followed the steps of his erroneous predecessors in ignorance and superstition, when for that very cause he was persecuted to death, by only such kinde of Bishops whose steps he is surmised to follow; a man so holy, that even *M. Brightman* himself (no friend to Bishops) doth make him to be that

Lib. Anon.  
copy A.  
p. 21 p.  
fols.

Angel, in the fourteenth Chapter of the *Revelations*, that in the meaning of the holy Ghost, had power over the fire. And whereas he is supposed by the Inditour, to follow the ignorance and superstition of that age, as not to compare things with the word of God, I have seen a Treatise of his against *Stephen Gardener* Bishop of *Winchester*, wherein he professeth that the word of God was the Rule that guided him in the Reformation of Religion, wherein he had a chief stroak, both in the dayes of King *Hen. 8.* and King *Edw. 6.*

4.

Fourthly and lastly, whereas the Lord Major is desired to observe *the unequal dealing of those entrusted, providing that Great mens dwelling houses should be free from Tithes*. It is as great an untruth as it is a grosse slander; for the words of the Statute are these; *Provided alwayes, that this Decree shall not extend to the houses of Great men, or Noble men, or Noble women kept in their own hands, and not letten for any rent, which in times past have paid no Tithes, so long as they shall so continue unletten*. Which proviso upon the construction of the whole Decree, doth belong to all other men who had never letten their houses to farme, but kept them still in their hands, as was resolved by all the Judges of the Common Pleas, *Mich 5 Jac.* in a Case between *John Scudamore* and *Robert Eyre* in a Prohibition against *John Bell*, and so hath that Decree ever been construed and taken: so that there was no self-respect, injustice or partiality at all in the Commissioners which made that Proviso in the Decree, as is untruly cast upon them by that Inditour.

Co. 2. part.  
Instir p.  
635.

The rest of all that Pamphlet is of no better stuff, but may wholly be reduced to these three heads.

1. Manifest abuse and misinterpretations of the sacred Scriptures, common to all Sectaries and Innovatours.

2. No-



2. Notorious mis-quotations and misunderstanding of Authours, as of M. Selden, Jo. Hulse, Pierce Plowman, S. John Oldcastle, &c.

3. Grosse railing and reviling of mens persons, as namely of M. Thomas Clendon, by the name of Priest Clendon, which he puts upon him as a terme of scorn, though revera, and in truth it be a name of Honour, for Priest is nothing else but an old english contraction of *Prestre* in French, of *Presbyter* in Latine, and of *ἐπισβύτης* in Greek, signifying Elder in our english tongue, and is the very same Honourable name given to the four and twenty Elders, mentioned in the fourth and fifth Chapters of the *Revelation*, which are there described to sit about the Throne of Christ, *clothed in white raiment, with crowns of gold on their heads, and golden viols in their hands full of odours, which are the prayers of the Saints.* And besides this scorn, to render him more odious to the people (which is the studied designe against many good men at this day) he is reported by the Pamphleter, to be a contentious man, a sower of strife and debate, &c. as great an opposite as can be to a godly Minister of the Gospel (as I hear he is) being also a man of whom I cannot easily be induced to thinke any ill, having his education from godly parents and a religious School-master, and under as Orthodox, pious and powerfull a Ministry, as was (at that time I knew him) in *Northampton-shire*.

And thus have I, as briefly as I could, vindicated the lawfullnesse of Tithes, and the paiment of them to Ministers under the Gospel, sufficient I hope to satisfie any reasonable man that makes godlinesse his gain, not gain his godlinesse: especially such gain as taken from the Church and Church-men, will prove to the possessours of them, like *aurum Tholosanum*, the gold of *Tholouse*,

R. V. 4. 4.  
Τῶν ἐκκοπ  
καὶ τῶν  
ἐκ τῶν  
ἐκ τῶν  
ἐκ τῶν

Numb. 5.

which beggered all those men and their families that had any of it; or like the *bitter and cursed water* to the guilty woman, which caused *her belly to swell*, but *her thigh to rot*; a very emphaticall and significant expreffion, noting a fucceffive curse upon pofterity, *thigh*, intimating fo much in a Scripture phrafe; as to give one instance for all, *Gen. 46. v. 26.* where it is faid, that all the pofterity of *Ja-cob* that came with him into *Egypt*, came out of his *thigh*; even fo, though the revenews of the Church shall caufe a swelling in their estates at the first, yet it will bring upon them, their pofterity and estates, a rot and consumption at the last, according to that experimentall saying of *Charles the Great*, *Novimus multa Regna & Reges eorum propterea cecidisse, quia Ecclesias spoliaverunt, resq; eorum vastaverunt*; we have known (saith he) many Kingdoms with their Kings brought to ruin, because they spoiled Churches, and made a prey of their revenews.

In Cap.  
Carul. lib.  
2. c. 104.

Much more might be said in confirmation of so well approved, and so ancient a truth as the Right of Tithes, which I do for the present purposely forbear, for that I am loth to call into question so solid, so settled and so well principled a verity, in so vain, so fickle, and so uncatchifed an age, which at this day brings into dispute the most fixed Principles that are: a thing so abhorring to *Aristotle* (though but a Heathen,) that he would have such kinde of contentions to receive confutation, *verberibus non verbis, baculis non argumentis*. Besides, the eager contestation about Tithes, falls out at this day amongst such kinde of men as are not so conversant with learning and reason, as with ignorance and clamour, of whom *Tacitus* gives this character, which I will leave for others to english, *plebi non iudicium, non veritas, ex opinione multa, ex veritate paucia iudicant*.

I shall only for conclusion, desire these men to lay aside that gall of bitterneſſe with which they have hitherto overabounded, as incompetible with that ſpirit of meekneſſe that is required in true Chriſtians; to ſuſpect alwaies that truth which is not accompanied with peace: thoſe men that have bitter envying and ſtrife in their hearts, are in the judgement of the Apoſtle, lyars againſt truth, ſo that to ſtrive againſt peace, is to lye againſt truth; to conſider the infinite poverty and confuſion that would be in the Church of *England*, if it ſhould be quite ſtrip of its ancient endowments: and laſtly to remember the example of the Emperour *Julian*, who in the beginning of his reign, gloried in nothing more then in the profeſſion of Chriſtian religion, in ſo much as he became a publike reader of holy Scriptures in the Church, and never fell into apoſtaſie, till he fell to Church-robbing, whereby his perſecution of Chriſtians was accounted far greater then that of *Diocleſian*, who though he put far more Miniſters to death then ever *Julian*, yet he did not *occidere presbyterium*, he ſlew not the Prieſthood, as *Julian* did, by depriving the Church and Church-men of their maintenance; whereupon in the opinion of *Theodoret*, after he had robbed the Churches of all their plate, and in a ſcoffing manner asked, *whether thoſe were fit veſſels for a Carpenters ſon to be ſerved with*, God wounded him ſuddenly to death with an arrow ſhot from Heaven: *exemplum audiſti, cave ſupplicium*, I have told them the example, let them take heed of the puniſhment.

James 3.  
14.

I began this diſcourſe with the Law of the Land, I will conclude it with the Law of the Goſpel, being likewiſe the Law of *Moses* and the Prophets, mentioned in the Goſpel of *S<sup>t</sup> Matthew*, cap. 7. v. 12. being the words of our Saviour in his Sermon on the mount, *whatſoever ye*

# A Defence of Tithes?

would that men should do to you, even so do ye to them, for this is the Law and the Prophets. The people of England would think themselves much wronged, if Ministers should preach against their property of goods: and is not the same wrong offered to Ministers, when the people speak and write against their patrimony of Tithes? the same *Magna Charta* that confirms the one, establishes the other. *Do as ye would be done by*, is the Law of Moses and the Prophets: *Render to every man his due*, is the Law of Christ and his Apostles: *Quod tibi fieri non vis, alteri ne feceris*, is the Law of Nature and Nations; *triplici nodo triplex cuneus*, and such a three-fold cord is not easily broken; if it should, I tremble to thinke of the misery and ruin that will fall out to a people or Nation at such a breach. The Lord make us all wise and just, in an age so wilfull and wicked.

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F I N I S.

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~~15. 10. 1646~~

THE  
PETITION

OF THE

13

Committee of Kent

CONCERNING

TITHES,

PRESENTED

*To the Honourable House of Commons.*

WITH

The Speakers Returne thereto.



Printed in the Yeere 1646.